

ECF CASE
JUDGE MARRERO

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

J & J SPORTS PRODUCTIONS, INC.,
as Broadcast Licensee of the **November 4, 2006**
BALDOMIR/MAYWEATHER Program,
Plaintiff,

ATTORNEY'S AFFIDAVIT OF COSTS AND FEES

Civil Action No.07-CV-3784-VM-MHD
HON. VICTOR MARRERO

-against-

CAMILO ESTEVEZ-ESPINAL a/k/a CAMILO E. ESPINAL a/k/a CAMILO ESTEVEZ, Individually, and as officer, director, shareholder and/or principal of 4986 BROADWAY EL NUEVO AMBIENTE CORP. d/b/a EL NUEVO AMBIENTE RESTAURANT,

and

4986 BROADWAY EL NUEVO AMBIENTE
CORP. d/b/a EL NUEVO AMBIENTE
RESTAURANT,

Defendants.

STATE OF NEW YORK :

: SS.:

COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for Plaintiff, J & J Sports Productions Inc., in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. I make this affidavit in support of Plaintiff's motion for default judgment and damages, costs and fees.

3. Plaintiff's litigation expenses as associated with the formation, pleading and filing

of the above captioned matter are as outlined below:

- a. Filing Fees - \$ 350.00
- b. Service of Process - \$200.00
Attached hereto as Exhibit "A," please find invoice from MSS., reflecting the cost of service upon the Defendants.
- c. Attorneys Fees -\$662.50
See below

Total Litigation Expenses(\$1212.50)

4. Attorney fees at \$200.00 per hour for attorney time spent and \$75.00 for paralegal

time spent are as follows:

<u>Date</u>	<u>Action</u>	<u>(in hours)</u>	<u>Fee</u>	
03/01/2007	Factual research and development	.5	\$100.00	Atty
03/01/2007	Claim Letter issued	.25	\$18.75	Para
05/10/2007	Complaint drafted, Corporate disclosure	.5	\$100.00	Atty
05/11/2007	Complaint sent to Court	.25	\$37.50	Para
05/23/2007	Arranged Service	.25	\$18.75	Para
06/05/2007	Prepared Subpoenas	.25	\$18.75	Para
06/05/2007	Review Service	.12	\$25.00	Atty
06/05/2007	Filed Proofs of Service	.25	\$18.75	Para
07/02/2007	Review Subpoena Responses	.13	\$25.00	Atty
07/18/2007	Prepared Request For Default	.5	\$100.00	Atty
07/18/2007	Filed/Mailed RFD	.25	\$18.75	Para
07/26 /2007	Motion for Default	1.0	\$200.00	Atty
		Hours	Fee	
		2.75	Atty	\$550.00

1.50Para \$112.50

Total

\$662.50

5. As part of its factual research, Plaintiff's Counsel conducted a search of the New York State Division of Alcoholic Beverage Control State Liquor Authority. The public query results show that Camilo E. Espinal is Principal of 4986 Broadway El Nuevo Ambiente Corp. The Results page is attached hereto as Exhibit "B".

6. Plaintiff's Counsel's files contain an affidavit attesting to the Defendants' piracy of the Kingvision Pay Per View, Ltd., October 2, 2004 Trinidad/Mayorga program. Edgardo Rodriguez entered the El Nuevo Ambiente on the night in question and observed a portion of the program being exhibited to approximately 20 individuals in an establishment with an estimated capacity of 60. The auditor's affidavit attesting to these facts, is attached hereto as Exhibit "C".

7. We respectfully request that judgment be entered in favor of Plaintiff and against the Defendants in the manner stated herein.

WHEREFORE, your deponent respectfully requests that this Court in its discretion grant judgment by default under 605(a) on COUNT I of the Plaintiff's complaint against the Defendants jointly and severally as follows:

Against, CAMILO ESTEVEZ-ESPINAL a/k/a CAMILO E. ESPINAL a/k/a CAMILO ESTEVEZ, Individually, and as officer, director, shareholder and/or principal of 4986 BROADWAY EL NUEVO AMBIENTE CORP. d/b/a EL NUEVO AMBIENTE RESTAURANT

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SIX HUNDRED SIX DOLLARS AND TWENTY FIVE CENTS (\$606.25)

and further,

**Against, 4986 BROADWAY EL NUEVO AMBIENTE CORP. d/b/a EL NUEVO
AMBIENTE RESTAURANT**

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SIX HUNDRED SIX DOLLARS AND TWENTY FIVE CENTS (\$606.25)

Dated: July 26, 2007

Ellenville, NY 12428

/s/ Julie Cohen Lonstein

Julie Cohen Lonstein, Esq.
Bar Roll No. JL8512
Lonstein Law Office, P.C.
Attorneys for Plaintiff
1 Terrace Hill; PO Box 351
Ellenville, NY 12428
Telephone: 845-647-8500
Facsimile: 845-647-6277

Sworn to before me this 16TH
day of July 2007.

/s/ April Draganchuk

April Draganchuk

Notary Public State of New York

Registration No. 4945872

Residing in Ulster County

My Commission Expires Jan. 27, 2011

Exhibit A

Description	Amount
ATTEMPTED INDIVIDUAL SERVICE J&J v. CAMILO ESTEVEZ-ESPINAL YOUR FILE #06-18-S02 CV #07-3784	100.00
Total	\$100.00

Invoice

1 Terrace Hill
P.O. Box 615
Ellenville, NY 12428

Date	Invoice #
6/4/2007	1005

Bill To
Lonstein Law Office, PC Wayne D Lonstein 1 Terrace Hill P.O. Box 351 Ellenville, NY 12428

Description	Amount
CORPORATE SERVICE ON SECRETARY OF STATE J&J v. 4986 BROADWAY EL NUEVO AMBIENTE CORP. YOUR FILE #06-18-S02 CV#07-3784	100.00
Total	\$100.00

Exhibit B



Eliot Spitzer
Governor

Division of Alcoholic Beverage Control
State Liquor Authority
Lawrence J. Gedda
Commissioner

Joshua B. Toas
CEO

Noreen Healey
Commissioner

Daniel B. Boyle
Chairman

[Home](#)

[Help](#)

[Office Directory](#)

[Licensing
Information](#)

[Online Licensing](#)

[Forms Download](#)

**Public License
Query**

[Wholesale](#)

[Full Board
Calendar](#)

[500 Foot Hearings](#)

[Press Office /
Public Information](#)

[Enforcement](#)

[Training
Information](#)

[FAQs](#)

[ABC Law](#)

[Mission Statement](#)

[Privacy](#)

[Security](#)

Public Query - Results

License Information

Serial Number: 1130457

License Type: RESTAURANT WINE

License Status: License is Active

Credit Group: 3

Filing Date: 06/27/2002

Effective Date: 07/01/2006

Expiration Date: 06/30/2007

Premises Information

Principal's Name: ESPINAL, CAMILO E

Premises Name: 4986 BROADWAY EL NUEVO AMBIENTE CORP

Trade Name: EL NUEVO AMBIENTE RESTURANT

Zone: 1

Address: 4986 BROADWAY

NEW YORK, NY 10034

County: NEW YORK

You can select one of the following links to perform another search:

- [Search by Name](#)
- [Search by License Number](#)
- [Search by Location](#)
- [Search by Principal](#)

Exhibit "C"

PIRACY AFFIDAVIT

STATE OF NEW YORK :

:SS.:

COUNTY OF NEW YORK :

I, Edgardo Rodriguez, the undersigned, being duly sworn according to law, deposes and says, that on Saturday, October 02, 2004, I observed, the commercial establishment known as, EL NUEVO AMBIENTE RESTAURANT, located at 4986 BROADWAY N.Y., N.Y 10034, at approximately 11:50 p.m. This establishment is described as a 5 story building with numerous apartment(s) on top of the establishment.

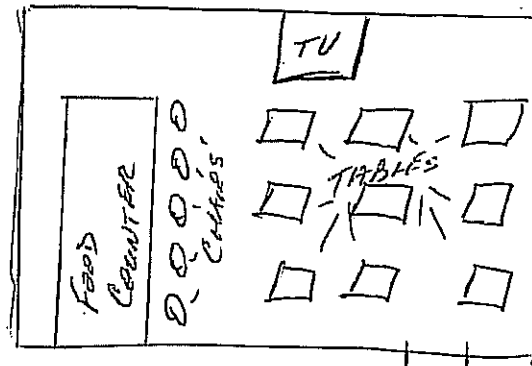
I observed 01 television sets, showing the event, which are described as each of which is located as follows: a 20 inch color television sets, located to the rear of the establishment.

The television set I observed showed the following : "FINAL PUNCH STATS" is shown for the Trinidad / Mayorga fight. Larry Merchant, wearing a black tuxedo and holding a red "HBO PPV" microphone talks to Trinidad, while a male, hispanic with salt and pepper hair translates.

I was not able to see the cable box or the channel that the television was tuned to.

The inside of the establishment and its internal layout can be described as: A typical licensed establishment that serves food, alcohol, with chairs and tables.

DRAW DIAGRAM OF INSIDE OF ESTABLISHMENT:



In my opinion, the approximate capacity of this establishment is 60 people. At the time I was in the establishment, I took three head counts. I counted approximately 20 people on the first count, 20 people on the second count, and 20 people on the third count.

I left the establishment at approximately 11:55 p.m.

I took two (2) pictures of the outside of the above described establishment on Tuesday, October 05, 2004 at approximately 10:45 a.m. which are attached hereto and made a part hereof and are intended to substantiate and verify the location of my observations as described herein.

There was not a parking lot adjacent to the establishment.

Dated: 10/12/1, 2004

Signed: 
Print Name: Edgardo Rodriguez

Agency:

Address: 218 Grange Road

City/State/Zip: Otisville, NY 10963

Phone/fax: (646) 423-2354

PI #

State of New York)

ss.:

County of New York)

On the 12th day of oct, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared, Edgardo Rodriguez, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

HECTOR L. RODRIGUEZ NOTARY PUBLIC
STATE OF NEW YORK, #60-4687910
QUALIFIED IN WEST CHESTER COUNTY
CERT. FILE IN BRONX COUNTY
COMMISSION EXPIRES JUNE 30TH, 2007

